

February 22, 2011

Comments by: City of Kansas City, Mo.

Long—Term Stewardship

Comment #1

(2)(A)1 If the department agrees that the current ...the department shall require a non-enforceable informational long-term stewardship measure but shall not require an enforceable long term stewardship measure for the property. This statement I just do not understand

(3) If a release at an operating UST facility (*or not operational*) results in migration of chemical(s) of concern onto a neighboring property... Also note that we should consider that any soil or ground water contamination may migrate “undetected” off site and suddenly manifest itself at some distance off site at a later date. I would think that a neighboring property may be “bypassed” and the site that contamination is encountered may not be tied back to the actual source

(6)(B)4 A description of the type, concentration and location of petroleum – related contamination on the property.

NOTE: I thought we were considering all chemicals of concern (COC's) including petroleum base products. I would think that we should not confine our concern to just Petro bases “chems”.

(6)(C)1 An owner or operator may record a No Further Corrective Action letter issued... I would strongly suggest that the letter be conditional and separate but in consideration of the deed restriction and that it's impact only stands while the requesting owner remains in possession of the described tract and complies with any and all conditions of maintenance.

Comment #2

(6) (C) B: Why make the NFA letter a complete nullity? Add the following language “as an informational device”.

Restrictive Covenant - (7) (A) 7 D,E,F: “If determined to be necessary by department” should be changed to language that points back to the standard.